

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

GLAXOSMITHKLINE
CIP (CN925.1)
Attn. Florence, Julia Anne
980 Great West Road
Brentford, Middlesex TW8 9GS
UNITED KINGDOM

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

**GlaxoSmithKline
Corporate IP**

Date of mailing
(day/month/year)

14/04/2005

Applicant's or agent's file reference

JAF/PB60540

Received BRENTFORD

14 APR 2005

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP2004/0118

International filing date
(day/month/year)

20/10/2004

Applicant

GLAXO GROUP LIMITED

IPM: N/A ON UPDATE

ATTY CHECKED/FILE

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices,
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax (+31-70) 340-3016

Authorized officer

Sandrine Parriche

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether:

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference JAF/PB60540	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/EP2004/011952	International filing date (day/month/year) 20/10/2004	(Earliest) Priority Date (day/month/year) 22/10/2003	
Applicant GLAXO GROUP LIMITED			

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box II).
3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____
- ☐ as suggested by the applicant.
- ☐ as selected by this Authority, because the applicant failed to suggest a figure.
- ☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/011952

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 C07C311/08 C07C235/42 C07C217/54 C07D213/65 A61P11/08 A61K31/166 A61K31/18 A61K31/44		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) IPC 7 C07C C07D Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, CHEM ABS Data		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	WO 03/091204 A1 (GLAXO GROUP LIMITED, UK) 6 November 2003 (2003-11-06) the whole document -----	1-16
A	EP 0 239 815 A1 (THOMAE, DR. KARL, G.M.B.H., FED. REP. GER.) 7 October 1987 (1987-10-07) Examples 114 and 116 -----	1-16
X	EP 0 198 412 A1 (HOFFMANN-LA ROCHE, F., UND CO. A.-G., SWITZ.) 22 October 1986 (1986-10-22) column 8, lines 22-26, example 12 ----- -/--	1,2,5-9, 16
<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family		
Date of the actual completion of the international search		Date of mailing of the international search report
6 April 2005		14/04/2005
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer Bueno Torres, M

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/011952

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	ALIKHANI, VAHID ET AL: "Long-chain formoterol analogues: an investigation into the effect of increasing amino-substituent chain length on the .beta.2-adrenoceptor activity" BIOORGANIC & MEDICINAL CHEMISTRY LETTERS , 14(18), 4705-4710 CODEN: BMCLE8; ISSN: 0960-894X, 2004, XP002323505 Compounds 12d, 12f -----	1-16
A	US 4 992 474 A (SKIDMORE ET AL) 12 February 1991 (1991-02-12) cited in the application the whole document -----	1-16

INTERNATIONAL SEARCH REPORTInternational application No.
PCT/EP2004/011952**Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claim 11 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/011952

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 03091204	A1	06-11-2003	AU 2003222841 A1 10-11-2003 EP 1497261 A1 19-01-2005
EP 0239815	A1	07-10-1987	DE 3608290 A1 24-09-1987 DE 3621775 A1 07-01-1988 AT 65501 T 15-08-1991 AU 595865 B2 12-04-1990 AU 6993987 A 17-09-1987 CA 1296002 C 18-02-1992 DD 264434 A5 01-02-1989 DE 3771541 D1 29-08-1991 DK 127487 A 14-09-1987 ES 2040215 T3 16-10-1993 FI 871052 A ,B, 14-09-1987 GR 3002839 T3 25-01-1993 HK 106494 A 14-10-1994 HU 44246 A2 29-02-1988 IE 59800 B1 06-04-1994 IL 81874 A 31-01-1991 JP 2048322 C 25-04-1996 JP 7084446 B 13-09-1995 JP 62226971 A 05-10-1987 MX 9202818 A1 30-06-1992 NO 871028 A ,B, 14-09-1987 PH 23996 A 09-02-1990 PL 264545 A1 21-07-1988 PT 84462 A ,B 01-04-1987 SG 89094 G 12-05-1995 SU 1593571 A3 15-09-1990 US 5457205 A 10-10-1995 US 4886814 A 12-12-1989 US 5604225 A 18-02-1997 US 5219852 A 15-06-1993 ZA 8701790 A 30-11-1988
EP 0198412	A1	22-10-1986	AR 242019 A1 26-02-1993 AT 41655 T 15-04-1989 AU 592557 B2 18-01-1990 AU 5579186 A 23-10-1986 DE 3662521 D1 27-04-1989 DK 163486 A 17-10-1986 ES 8802132 A1 16-06-1988 ES 8801894 A1 16-05-1988 FI 861590 A ,B, 17-10-1986 HU 42054 A2 29-06-1987 MC 1744 A 26-02-1987 NO 861474 A ,B, 17-10-1986 NZ 215753 A 27-10-1989 PH 22941 A 03-02-1989 PT 82399 A ,B 01-05-1986 US 5017619 A 21-05-1991 GR 860975 A1 13-08-1986 JP 61243048 A 29-10-1986 ZA 8602665 A 26-11-1986
US 4992474	A	12-02-1991	AR 244199 A1 29-10-1993 AR 245687 A1 28-02-1994 AR 247721 A1 31-03-1995

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No.

PCT/EP2004/011952

Patent document cited in search report	Publication date	Patent family members(s)	Publication date
US 4992474	A	AT 390611 B	11-06-1990
		AT 129184 A	15-11-1989
		AU 573212 B2	02-06-1988
		AU 2706484 A	25-10-1984
		BE 899448 A1	18-10-1984
		BE 900835 A4	17-04-1985
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		CA 1335999 C	20-06-1995
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		CH 661497 A5	31-07-1987
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		CY 1482 A	08-12-1989
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		DE 3414752 A1	18-10-1984
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		FR 2545482 A1	09-11-1984
		GB 2140800 A ,B	05-12-1984
		GB 2176476 A ,B	31-12-1986
		GR 79925 A1	31-10-1984
		HK 36889 A	12-05-1989
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		IL 71569 A	30-10-1987
		IT 1199112 B	30-12-1988
		JP 1862136 C	08-08-1994
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		KE 3864 A	19-05-1989
		KR 9204186 B1	30-05-1992
		LU 85329 A1	04-06-1985
		LU 88265 A9	03-02-1994
		MX 9203226 A1	01-07-1992
		NL 930066 I1	01-09-1993